

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****Division of Housing Policy Development**

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March 25, 2005

Mr. Kelly Cox  
County Administrator  
Lake County  
255 North Forbes Street  
Lakeport, CA 95453

Dear Mr. Cox:

**RE: Review of Lake County's Adopted Housing Element with Draft Revisions**

Thank you for submitting Lake County's housing element adopted December 7, 2004 and received for review on December 27, 2004 along with draft revisions received on March 10, 2005. The Department is required to review housing elements and report the findings to the locality pursuant to Government Code Section 65585(b) and (h). In addition, the Department considered third party comments from Ms. Nancy Palandati, California Rural Legal Assistance and Mr. Andy Rosoff, Legal Services of Northern California pursuant to Government Code Section 65585(c). The Department's review was also assisted by various communications with Mr. Richard Coel, Principal Planner, since December 2004.

The Department is pleased to find the adopted element along with draft revisions address the statutory requirements described in the November 10, 2004 review. The element will be in full compliance with State housing element law (Article 10.6 of the Government Code) when the draft revisions are adopted into the housing element and submitted to the Department, pursuant to Government Code Section 65585(g). The Department's finding of compliance is conditioned on the County's successful implementation of Action HE-22 to rezone at least 50 acres allowing 19 units per acre, where water and sewer capacity will be available by June 30, 2006. In accordance with Government Code Section 65583(c)(1)(A) and 65583.2(h) and (i), Action HE-22 should rezone sites to permit a minimum of 16 multifamily units per site by-right. Also, for your information, sites from Action HE-22 and other sites zoned R3 were utilized in determining adequate sites to address most of the County's remaining share of the regional housing need for lower-income households.

The County must use its annual general plan progress report (Government Code Section 65400) to monitor and report on progress in implementing. The reports are due to the Department by October 1 of each year. If the annual report reveals Action HE-22 has not been implemented, as described above by June 30, 2006 the element will no longer identify adequate sites and will require immediate amendment to provide adequate sites. Failure to submit annual reports will trigger a compliance review by the Department.

Also, please be aware, Government Code Section 65589.4 was added by Chapter 793, Statutes of 2003. This statute prohibits multifamily housing from being subject to a conditional use permit in multifamily zones under specified conditions. The Department will be glad to assist the City in evaluating and addressing these new requirements.

The Department recognizes the County's commitment to rezone sites and waive fees to facilitate multifamily development for lower-income households in addition to planned efforts to assist developers with site identification, expedited permit processing, supporting funding applications and providing financial assistance. Effective implementation of these and other strategies will ensure the County can meet critical housing needs, strengthen the local economy and preserve important natural resources.

For your information, recently enacted legislation (Chapter 706, Statutes of 2002 and Chapter 10, Statutes of 2004; Government Code Section 65863) requires Lake County to ensure its inventory of adequate sites can accommodate its share of the regional housing need throughout the planning period. Government Code Section 65863(b) also prohibits local governments from lowering a residential density used in determining adequate sites under its housing element unless the locality makes certain findings.

The Department appreciates Mr. Coel's diligence and cooperation throughout the review process and looks forward to receiving the County's element when the draft revisions are adopted. If the Department can be of assistance in implementing the element, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

A handwritten signature in black ink that reads "Cathy E. Creswell". The signature is written in a cursive, flowing style.

Cathy E. Creswell  
Deputy Director

cc: Richard Coel, Senior Planner, Lake County  
Andy Rosoff, Legal Services of Northern California  
Nancy Palandati, California Rural Legal Assistance